

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Adopted and Filed Without Notice

Pursuant to the authority of Iowa Code section 68B.32A, the Iowa Ethics and Campaign Disclosure Board hereby amends Chapter 8, “Executive Branch Lobbying,” Iowa Administrative Code.

The amendments reflect the statutory amendments in 2010 Iowa Acts, House File 2109, to the lobbying laws in Iowa Code chapter 68B impacting lobbyist registrations and reports, lobbyist client reports, session function registrations and session function reporting.

Pursuant to Iowa Code section 17A.4(3), the Board finds that notice and public participation prior to the adoption of these amendments are impracticable, as it is desirable to have the Board’s rules reflect current statutory requirements.

These amendments are intended to implement Iowa Code section 68B.22 as amended by 2010 Iowa Acts, House File 2109, section 1; Iowa Code section 68B.32A(5) as amended by 2010 Iowa Acts, Senate File 2067, section 1; Iowa Code section 68B.32A(9); Iowa Code section 68B.36 as amended by 2010 Iowa Acts, House File 2109, section 8; 2010 Iowa Acts, House File 2109, section 10; and Iowa Code section 68B.38 as amended by 2010 Iowa Acts, Senate File 2109, section 9.

These amendments will become effective on July 7, 2010.

The following amendments are adopted.

ITEM 1. Rescind and reserve rule **351—8.6(68B)**.

ITEM 2. Rescind subrule **8.7(4)**.

ITEM 3. Amend subrule 8.7(5) as follows:

8.7(5) 8.7(4) *Amendment to registration.* Any change or addition to the information in an executive branch lobbyist’s registration statement shall be filed with the board within ten days after the change or addition is made known to the lobbyist. The lobbyist may file changes or additions by submitting electronically filing an amended registration statement ~~or by letter~~. ~~If the lobbyist submits the changes or additions by letter, the letter shall contain sufficient information to notify the public and the board of the change or addition.~~

ITEM 4. Rescind subrule **8.7(6)**.

ITEM 5. Amend subrule 8.7(7) as follows:

8.7(7) 8.7(5) *Failure to timely file registration.* An individual who fails to file an executive branch lobbyist registration statement before engaging in executive branch lobbying is activities in violation of Iowa Code section 68B.36 ~~and is subject to the possible imposition of board sanctions~~ may be subject to sanctions by the board as permitted under Iowa Code chapter 68B or rule 351—9.4(68B).

ITEM 6. Amend rule **351—8.7(68B)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code section 68B.36 as amended by 2010 Iowa Acts, House File 2109, section 8.

ITEM 7. Rescind and reserve rule **351—8.8(68B)**.

ITEM 8. Amend paragraph **8.9(1)“c”** as follows:

c. The amount of all salaries, fees, retainers, and reimbursements paid ~~or anticipated to be paid~~ by the client to each lobbyist for engaging in executive branch lobbying activities for the period commencing on July 1 of the previous year through June 30 of the current year. A report shall be filed even if the client did not pay any compensation to the client’s lobbyist. If no compensation was paid, the client shall disclose on the report \$0.00 as compensation paid. In the case of a salaried position when executive branch lobbying is part of the individual’s duties, the reportable salary shall be based on a pro-rata basis of time spent engaging in executive branch lobbying activities.

ITEM 9. Adopt the following new rule 351—8.10(68B):

351—8.10(68B) Session function registrations and reports. Pursuant to Iowa Code section 68B.22(4) “s” as amended by 2010 Iowa Acts, House File 2109, section 1, a sponsor of a qualified function is required to file with the general assembly and the board a registration notice prior to the function and a report within 28 days of the function. The board will deem filings with the general assembly as acceptable filings with the board. The board will establish links on its Web site to the general assembly’s Web site where the registration notices and reports are posted. The failure of a sponsor to timely file either a registration notice or a report may subject the sponsor to sanctions by the board as permitted under Iowa Code chapter 68B and rule 351—9.4(68B) separate from any sanctions imposed by the general assembly.

This rule is intended to implement Iowa Code section 68B.22(4) “s” as amended by 2010 Iowa Acts, House File 2109, section 1, and Iowa Code section 68B.32A(5) as amended by 2010 Iowa Acts, Senate File 2067, section 4.

ITEM 10. Rescind subrule **8.11(1)**.

ITEM 11. Amend subrule 8.11(2) as follows:

8.11(2) 8.11(1) Late client report. An executive branch lobbyist client who fails to file an executive branch lobbyist client report on or before the required due date shall be subject to an automatic civil penalty according to the following schedule:

Days Delinquent	Amount
1 to 14	\$25
15 to 30	\$50
31 and over	\$100

ITEM 12. Amend subrule 8.11(3) as follows:

8.11(3) 8.11(2) Additional penalty. If an ~~executive branch lobbyist or an~~ executive branch lobbyist client fails to file a required report ~~within 45 days of the report due date~~, or fails to file a ~~complete~~ an accurate report, a contested case proceeding may be held to determine whether a violation has occurred. If, after a contested case proceeding, it is determined that a violation occurred, the board may impose any of the actions under Iowa Code section 68B.32D. Any action so imposed would be in addition to the automatically assessed penalty in this rule.

ITEM 13. Amend rule **351—8.11(68B)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~sections~~ section 68B.32A(5) as amended by 2010 Iowa Acts, Senate File 2067, section 4, and Iowa Code section 68B.32A(9).

ITEM 14. Amend rule 351—8.12(68B) as follows:

351—8.12(68B) Request for waiver of penalty. An ~~executive branch lobbyist or an~~ executive branch lobbyist client that believes there are mitigating circumstances that prevented the timely filing of a report may make a written request to the board for waiver of the penalty. The board must receive the request for waiver within 30 days of the ~~lobbyist’s or executive branch lobbyist client’s~~ being notified of the civil penalty assessment by filing a Petition for Waiver of Civil Penalty form. Waivers will be granted only for exceptional or very unusual circumstances. The board will review the request and issue a waiver or denial of the request. If a waiver is granted, the board will determine how much of the penalty is waived based on the circumstances. If a denial or partial waiver is issued, the person shall promptly pay the assessed penalty or request a contested case proceeding pursuant to rule 351—8.13(68B) to appeal the board’s decision.

This rule is intended to implement Iowa Code ~~sections~~ section 68B.32A(5) as amended by 2010 Iowa Acts, Senate File 2067, section 4, and Iowa Code section 68B.32A(9).

ITEM 15. Amend subrule 8.13(1) as follows:

8.13(1) Request. If an ~~executive branch lobbyist or an~~ executive branch lobbyist client accepts administrative resolution of a matter through the payment of an assessed civil penalty, the matter shall be closed. If the person chooses to contest the board's decision to deny a request or grant a partial waiver of an assessed civil penalty, the person shall make a written request for a contested case proceeding within 30 days of being notified of the board's decision.

ITEM 16. Amend rule **351—8.13(68B)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~sections~~ section 68B.32A(5) as amended by 2010 Iowa Acts, Senate File 2067, section 4, and Iowa Code sections 68B.32A(9); and 68B.33.

ITEM 17. Amend subrule 8.20(2) as follows:

8.20(2) Internet access. Forms filed under this chapter shall be accessible for viewing via the board's Web site at www.iowa.gov/ethics as follows:

a. A list of registered executive branch lobbyists and executive branch lobbyist clients for the current calendar year and the two previous calendar years.

~~*b.* An executive branch periodic lobbyist report for a period of at least three years from the report due date.~~

~~*c.* An executive branch lobbyist client report for a period of at least three years from the report due date.~~

~~*d.* A reception session function registration notice and a session function reporting form for a period of at least three years from the date the form was filed as long as the general assembly posts the session function registration notice and a session function reporting form on the general assembly's Web site.~~

ITEM 18. Amend rule **351—8.20(68B)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code section 68B.32A(5) as amended by 2010 Iowa Acts, Senate File 2067, section 4.

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